

MINUTES
TOWN OF FREDERICK
BOARD OF TRUSTEES
Frederick Town Hall
June 8, 2010
7:00 p.m.

Attendance: Mayor Eric Doering, Mayor Pro Tem Tony Carey, Trustees Gerry Pfirsch, Sue Wedel, Rafer Burnham and Amy Schiers. Also present were Town Administrator Derek Todd, Town Attorney Rick Samson, Town Clerk Nanette Fornof, Administrative Services Director Bryan Ostler, Town Engineer Dick Leffler and Planning Director Jennifer Simmons. Audience was also present.

ROLL CALL Mayor Doering called the regular meeting to order at 7:00 p.m.; roll call was taken and all Trustees were present except Trustee Jim Wollack.

PLEDGE OF ALLEGIANCE Mayor Doering led the audience in the Pledge of Allegiance.

ADDITIONS OR DELETIONS TO THE AGENDA there were no additions or deletions to the agenda.

PUBLIC COMMENTS

Kevin Fitzner a resident of Frederick voiced his concern about the parking of motor homes within the Town limits. The ordinance seems to be very restrictive. Fitzner indicated it takes time to cool down the fridge and when trying to complete the project, the Frederick Police Department advised him that he needed to move his motor home. Fitzner requested the Board to consider amending the Ordinance.

Kevin Weigum also a resident of Frederick also voiced his opinion regarding the parking of RVs in the Town limits. He (Weigum) indicated the Town's ordinance was ambiguous for the timing one had to set up. Weigum would like the Board to consider amending the Ordinance to allowing the RVs to be on the streets over night.

Tacy Burnham a Frederick Scholarship recipient thanked the Board for the scholarship and told the Trustees where she would be attending school and pursuing her degree in pharmaceuticals.

City of Dacono Councilmember Joe Baker requested the Town of Frederick Board support his quest for Colorado Municipal League Executive Board. Motion by Trustee Pfirsch to support City of Dacono Councilmember Joe Baker in running for the Colorado Municipal League Executive Board, Trustee Wedel seconded the motion and motion carried unanimously.

STAFF REPORTS

Administrative Report Town Administrator, Derek Todd, provided the Board with the Administrative Report which highlighted the following items: Upcoming Board of Trustees Work Sessions. The Administrative Services Department provided information regarding Comprehensive Insurance Policy, Utility Billing and Recruitment Update. The Engineering Department is working on Insurance Services Offices (ISO) Rating of Building Division. The Planning Department provided information regarding Park, Open Space and Trails Master Plan. The Police Department provided information regarding Fraudulent Mail Collection, Weed Season and Emergency Preparedness. The Public Works Department provided information regarding General Maintenance, Street Sweeping, Frederick Recreation Area, Off-Leash Dog Park Closure and Mosquito Abatement.

New Town employees were introduced to the Board; Sidonna Foust, Finance Manager, and Lauren Mueller, Human Resource Manager.

Town Attorney Report Town Attorney Rick Samson provided the Board of Trustees with a written Status Report. Samson provided additional information about SMT Litigation, Town of Erie Litigation, response to KP Kauffman issues and Census Requests.

PROCLAMATION Motion by Trustee Carey adopting the proposed Proclamation, declaring June 25, 2010, Salud Family Health Center Day, Trustee Wedel seconded the motion and motion carried unanimously. Mayor Doering read a Proclamation declaring June 25, 2010, Salud Family Health Center Day. Suzanne Metcalf from Salud Family Health Center was in attendance and thanked the Board for their support.

ACTION AGENDA

AM 2010-060, To Consider an Order to Show Cause Suzi-Cue's Mayor Doering opened the local liquor authority portion of the meeting at 7:30p.m. On May 2, 2010, there was a disturbance at Suzi-Cue's bar. The Liquor Authority needs to determine if there is probable cause to believe that a violation(s) of the Colorado Liquor Code occurred. If the Authority believes that a violation(s) has occurred, the Board of Trustees will issue an Order to Show Cause. A memo from the Kristin Brown, Prosecuting Attorney, supplied the Board with a memo defining Suzi-Cue's Bar, alleged liquor code violation(s) and supporting police reports were also supplied to the Board. Motion by Trustee Wedel to direct staff to issue a Notice of Hearing and Order to Show Cause, to Suzi-Cue's Bar, Trustee Pfirsch seconded the motion and motion carried unanimously.

Motion by Trustee Pfirsch to have the Frederick Board of Trustees; local liquor licensing authority as the Hearing Officer, Trustee Schiers seconded the motion and motion carried unanimously.

Motion by Trustee Carey to set the Order to Show Cause hearing date to be August 17, 2010 at 5p.m., Trustee Burnham seconded the motion and motion carried unanimously. Motion by Trustee Carey to appoint Prosecuting Attorney Kristin Brown, as advisor counsel to the Local Licensing Authority and to appoint Jacob Starkovich, as the prosecuting Attorney for the Town of Frederick, Trustee Wedel seconded the motion and motion carried unanimously.

There being no further discussion regarding Suzi Cue's Order to Show Cause, Mayor Doering resumed the meeting at 7:41p.m.

AM 2010-061, To Consider Signing the Mile High Compact At the April 30, 2010 Board of Trustees work session, the Board received a presentation from Patricia Cronenberger from the Denver Region Council of Governments (DRCOG) about the importance of the Mile High Compact. The Compact is a voluntary agreement among metro area cities and counties to manage growth throughout the region by adhering to the principles outlined in Metro Vision. Metro Vision is the region's long-range growth plan and identifies where transportation investments will be made, where growth is expected to occur and how the region will attain water and air quality standards over the next 20 years. Motion by Trustee Pfirsch to approve Resolution 10R024, A RESOLUTION OF THE TOWN OF FREDERICK, COLORADO TO JOIN THE DRCOG METRO VISION 2020 MILE HIGH COMPACT AND SETTING FORTH DETAILS IN RELATION THERETO, Trustee Wedel seconded the motion and motion carried unanimously. Mayor Doering took a few minutes to sign the Mile High Compact.

AM 2010-057, To Consider an Amendment to the Frederick Municipal Code Regarding Allowing Golf Carts in Areas with Homeowner Association Regulations A Moore Farm representative requested the Town Board consider allowing the residents of Moore Farm to drive golf carts within the community and to the adjacent golf course. The request included draft regulations that would be applicable to all Moore Farm residents and would be enforced by the Homeowners Association. The Guidelines, Rules and Restrictions will be delivered by the Homeowners Association to each homeowner in the community and placed on the Homeowners Association's website. The proposed ordinance will allow the Police Department the authority to make municipal citations when necessary.

Motion by Trustee Wedel to adopt Ordinance 1041, AN ORDINANCE OF THE TOWN OF FREDERICK COLORADO, AMENDING THE TOWN OF FREDERICK MUNICIPAL CODE, 1992, Trustee Pfirsch seconded the motion and motion carried unanimously.

AM 2010-059, To Approve an Intergovernmental Agreement with Dacono and Firestone for Sharing of Costs of the Carbon Valley Transit System Feasibility Study As discussed with the Board over the past several months, Frederick, Dacono and Firestone have been awarded a grant to fund a Transit Feasibility Study for the Carbon Valley Area. The proposed study will evaluate the needs for transit in Carbon Valley and determine if and when transit services should be implemented. A consultant will be

retained to review completed studies for this region and to conduct a survey to supplement existing information. The proposed Intergovernmental Agreement will authorize up to \$3,000 matching funds for Frederick's share of the study. A Colorado Department of Transportation grant in the amount of \$25,000 to complete a Transit Feasibility Study for the Carbon Valley Area was awarded to the Town's of Frederick, Firestone and the City of Dacono. Motion by Mayor Pro Tem Carey to approve the proposed Intergovernmental Agreement for Sharing of Costs of the Carbon Valley Transit System Feasibility Study with the City of Dacono and Town of Firestone and to authorize a payment of up to \$3,000 as Frederick's match for the grant and authorize the Mayor to sign the agreement, Trustee Schiers seconded the motion and motion carried unanimously.

AM 2010-058, Memorandum of Understanding with the St. Vrain Valley School District Regarding the Bell The Frederick bell has been incorporated into the design of the new high school and the Memorandum of Understanding outlines responsibilities regarding the bell. The Board of Trustees instructed staff to work with the District on implementing the old Frederick High School bell to be incorporated in to the design of the new high school. The Town of Frederick would remain owner of the bell and would have the right to determine if the location of the bell is appropriate. The District would be responsible for insuring and maintaining the bell. Motion by Mayor Pro Tem Carey to table the approval of the Memorandum of Understanding between the Town of Frederick and St. Vrain Valley School District till July 13, 2010, Trustee Schiers seconded the motion and motion carried unanimously.

DISCUSSION AGENDA

IM 2010-008, To Discuss a Request to Extend the Wyndham Hill Public Improvement Fee (PIF) Hunsaker, Special Counsel, in April 2007, the Board of Trustees entered into a Development and Public Improvement Fee (PIF) Collection Agreement with Wyndham Hill Metropolitan District #3 and Frederick Development Group. The town agreed to cooperate with the Developer to make the Wyndham Town Center more feasible and agreed to waive collection of a portion of the sales tax generated from the project for a certain period of time with a public improvement fee equal to the amount of sales tax waived imposed for the purpose of reimbursing the cost of bonds to be used for public improvements. The sales tax waived was 1%, equal to the public improvement fee to be collected by all retailers in the project. The Developer agreed to develop the site as designed on the Final Development Plan and use the PIF proceeds to pay for public improvements identified in the agreement. Construction of the public improvements was to be within 3 years of the effective date of the agreement. The maximum PIF proceeds identified in the agreement is \$31,000,000. The agreement also provides a termination date meaning the earlier of 15 years from the date of the reduction of sales tax affected by the sales tax ordinance or until the amount of maximum PIF proceeds is generated by the PIF. The Developer has not begun construction within the timeline specified in the agreement and so the Developer is requesting an extension to avoid the expiration of the agreement.

Motion by Trustee Wedel to enter into discussion with the Developer to extend the agreement while considering the District Agreement that controls the relationship of the developer, owner, PIC and PIF collection agent and adjust the maximum PIF proceeds to be the lesser of the actual public improvement expenses incurred by the developer, Trustee Schiers seconded the motion and motion carried unanimously.

IM 2010-006. To Discuss the Street Naming Policy There was concern raised about the road named William Bailey Avenue. The street name has been designated on three separate final plats that were approved by various Boards-Countryside, 2001, Westview, 2007 and Russell Subdivision, 1997. William Bailey Avenue is a north/south collector street that will run from State Highway 52 on the south to the Water's Edge Subdivision near Milavec Lake on the north. The Board inquired about other times a street was renamed and staff indicated there has been one documented street name change of record. In 2007, Industrial Street was renamed Majestic Street following a request from Rocky Mountain Christian Church.

IM 2010-007, Amendments 60 and 61 and Proposition 101 There will be three measures on the November 2, 2010, statewide ballot that could have significant and detrimental impacts on the Town. Currently the language and effects of the proposals are still ambiguous and subject to interpretation, it is clear, that the passage of any one of these measures will have significant impacts on the Town and all levels of government in Colorado. Motion by Trustee Wedel to approve Resolution 10R025, A RESOLUTION OPPOSING PROPOSITION 101 AND AMENDMENTS 60 AND 61, Trustee Schiers seconded the motion and motion carried unanimously.

CONSENT AGENDA

Motion by Trustee Pfirsch to approve the Consent Agenda with the following items; the Approval of List of Warrants for June 8, 2010 and approval of the May 25, 2010, Regular Meeting Minutes, Trustee Burnham seconded the motion, motion carried unanimously.

MAYOR AND BOARD REPORTS

Trustee Burnham made comment about the changing of street names and how it can burden the Police and Fire Departments.

Mayor Pro Tem Carey made comment about the Air Quality Control Commission, newsletter articles and extending the Tree Program, Motion by Mayor Pro Tem Carey to extend the Tree Voucher Program for an additional 50 tree certificates, Trustee Schiers seconded the motion and motion carried with Trustee Pfirsch voting against the motion.

Trustee Pfirsch thanked the Board for the vote on the DRCOG, Mile High Compact and made comment about proposed amendment 60, 61 and Proposition 101 and how it will affect the community.

Trustee Schiers made comment about the wonderful Tree Voucher Program and would like the Parks and Open Space Commission to consider issuing vouchers to Homeowner's Associations. Trustee Schiers would like additional information regarding the parking of RV's at residences and she (Trustee Schiers) made mention about different possibilities of naming streets.

Trustee Wedel also thanked the Board for their support of the DRCOG Mile High Compact, made comment about the new golf cart regulations and parking of motor homes at citizens residences.

Mayor Doering made mention that Centennial attendee Ms. Pugh passed away, new / additional staff positions and reminded the Board of the joint meeting with the St. Vrain Valley School Board. Mayor Doering also mentioned the St. Vrain Valley School Board was considering abandoning the two million dollar Department of Local Affairs grant. Mayor Doering also mentioned the impact of Amendment 60, 61 and Proposition 101.

There being no further discussion, Mayor Doering closed the regular meeting at 10:08p.m.

Nanette S. Fornof, Town Clerk

Approved by the Board of Trustees

Eric E. Doering, Mayor